

# Exhibit 3

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF CALIFORNIA

3

4 VERONICA MCLEOD, individually and as )  
successor in interest to decedent, )  
5 DOLORES HERNANDEZ; AMADO HERNANDEZ, )  
individually and as successor in )  
6 interest to decedent, DOLORES )  
HERNANDEZ; and YSIDRA REGALDO, )  
7 individually, )

8 Plaintiffs, )

9 vs. )

10 CITY OF REDDING; GARETT MAXWELL, )  
an individual; and DOES 1-10, )  
11 inclusive, )

12 Defendants. )

13

14

15

16 REMOTE VIDEOCONFERENCE DEPOSITION OF

17 MATTHEW BRUCE

18 THURSDAY, APRIL 27, 2023

19

20

21

22

23 Reported Stenographically By:

24 Jinna Grace Kim, CSR No. 14151

25 Job No.: 450075

) Case No.  
) 2:22-CV-00585-WBS-JDP

1 He reviewed as of the preparation for the video.

2 He reviewed it in my presence.

3 MR. GALIPO: That's fine. Thank you, Dale.

4 And as I mentioned in my other deposition with you,  
5 I don't get to say that very often in a depo, "Thank you,  
6 Dale." So I like that.

7 BY MR. GALIPO:

8 Q. What was the nature of the call that you were  
9 responding to?

10 A. Dispatch had created a call for a -- what they call  
11 415 or just a general disturbance.

12 Q. Did you have any specifics before you got to the  
13 scene, what was the nature of the disturbance?

14 A. Dispatch always provides some sort of description of  
15 the compliant, and what I received was that there was a  
16 female at the location who was using foul language, cursing  
17 if you will, and was creating a disturbance at the  
18 location.

19 Q. Did you have any information of anybody being  
20 injured?

21 A. No.

22 Q. Any information of anyone being verbally  
23 threatened?

24 A. No.

25 Q. Any information of a weapon?

1 A. No.

2 Q. Any information as to who this woman was,  
3 specifically?

4 A. No.

5 Q. And have you listened at any time to the radio  
6 dispatch the recording of that?

7 A. No.

8 Q. So right now you're just going off of general  
9 recollection and the review of your statement?

10 A. That's correct.

11 Q. And so when you got to this location, what street  
12 was it on, if you recall?

13 A. It's -- I don't know if the -- it's a shopping  
14 center, and it's right off of Dana Drive. It's -- it's on  
15 the south side of Dana Drive. I -- I couldn't tell you the  
16 exact address.

17 Q. What was your assignment at the time?

18 A. Patrol officer. I believe it was -- I was assigned  
19 to Beat 2.

20 Q. How long had you been a patrol officer before the  
21 date of this incident?

22 A. For the City of Redding, or in general?

23 Q. Let's just talk about Redding.

24 A. I was a lateral transfer to Redding.

25 So I think I had been employed by the City of

1 Q. Yes, you know. And no, it did not?

2 A. No. The answer is no, it did not.

3 And yes, I would know if there was a dash cam, yes.

4 Q. Okay. Did you have any recording device on your  
5 person --

6 A. I did not --

7 Q. -- audio recording?

8 A. No.

9 Q. To your knowledge, is any of the conversations  
10 between you and this woman recorded anywhere?

11 A. Not to my knowledge.

12 Q. Did you talk to anyone at the scene before talking  
13 to the woman?

14 A. No.

15 Q. Were you aware that your partner had arrived at some  
16 point?

17 A. Yeah. When I arrived I noticed my partner shortly  
18 behind me.

19 Q. Did you have any conversations with your partner  
20 before you began speaking to the woman?

21 A. No. I kind of waited for him to make our approach,  
22 but there was no conversation had.

23 Q. And what do you recall initially saying to the  
24 woman?

25 A. I walked up to the car and engaged her, and she

1 point?

2 A. It was on.

3 Q. And do you know what gear the car it was in at that  
4 point?

5 A. I believed that I did look at it, and it was in  
6 park.

7 Q. Do you recall where the gear shift was, whether it  
8 was up, high, by the steering column, or in between the  
9 seats?

10 A. I remember checking to see what position it was in,  
11 and I don't remember if I checked by noticing the lights  
12 because, you know, when you put a car in reverse the backup  
13 lights come on, or if I looked at the gear shift lever.

14 I don't -- I couldn't really tell you how exactly I  
15 knew that it was in park. I knew that the reverse lights  
16 were not on, that the brake lights were on, and I might have  
17 just assumed because of that situation, that it was in park,  
18 but I also possibly -- I don't 100 percent recall looking at  
19 the -- the shift lever because when I'm going back through my  
20 mind, I can't remember if it had one of those shift levers  
21 that's in the middle, or if it's the one on the column.

22 So I couldn't -- I couldn't tell you for certain  
23 what position the shift lever was in. I don't remember where  
24 it was located in the car.

25 Q. Okay. The window on the driver side during this

1 initially conversations, was it up, or down, or somewhere in  
2 between?

3 A. When I first contacted her, it was all the way up.

4 I then shined my flashlight in vehicle because she  
5 wasn't looking at me. She was looking straight forward. So  
6 I shined my flashlight into the vehicle to get her attention.  
7 Then she turned and she lowered the -- the window  
8 approximately two inches.

9 Q. Do you know if she was wearing her seat belt or  
10 not?

11 A. I do not.

12 Q. Do you know if -- do you recall if there was music  
13 playing in the car or the radio was on?

14 A. Yes. The radio was on and she as playing music  
15 very, very loudly.

16 Q. Okay. So when you initially approached, would it be  
17 correct that the driver's window was all the way up?

18 A. Yes.

19 Q. And then at some point after you tried to make  
20 contact and flashed your flashlight at her, she lowered the  
21 driver's side window just slightly, maybe a few inches?

22 A. Yes.

23 Q. And your impression was the car was on, but it was  
24 in park?

25 A. Yes.

1 Q. Did you tell her she was not free to go?

2 A. No.

3 Q. Were you intending to arrest her at that point for  
4 anything prior to her initially backing up?

5 A. No.

6 Q. In your mind, did you think if she wants to leave,  
7 go ahead and let her.

8 Was that your basic thinking at the time?

9 A. Yes.

10 Q. Okay. Now, when she put the car from drive into  
11 reverse, it sounds like you were still on the driver's  
12 side?

13 A. I was --

14 Q. And you saw -- I'm sorry.

15 I didn't mean to cut you off. Go ahead.

16 A. That's okay. Standing same position approximately  
17 B-Pillar about a foot away, foot and a half away, something  
18 like that.

19 Q. Did you have an impression as to where your partner  
20 was at that time when she put the car into reverse?

21 A. No.

22 Q. And when the car started going backwards, did you  
23 remain in the same spot, initially?

24 A. It's -- it's hard to say. I -- if I recall  
25 correctly, I did start to move away. I -- I remember my



1 mindset when she began backing up was that she was problem  
2 solved; she's free to leave, and that I was going to meet up  
3 with my partner, look for my partner, and talk to him about  
4 what had occurred, and what she had said, but I don't know --  
5 yeah, that's -- that's what I recall.

6 Q. In terms of your conversation with her, do you  
7 recall anything else during the conversation?

8 Because you told me about the initial part of it.

9 Anything else that was said between you and her  
10 before she started backing up other than what you've already  
11 told me?

12 A. I -- I do remember asking her for her driver's  
13 license.

14 Q. And do you recall her response?

15 A. She told me that she wasn't going to give me shit,  
16 and I didn't have the authority, and that she wasn't  
17 driving.

18 Q. Did you say anything in response to that?

19 A. When she started backing up, I -- I waved at her,  
20 and I told her that she was now driving.

21 Q. So right now I just want to focus before she starts  
22 backing up, and then we're going to go through what happened  
23 next, but --

24 A. Okay.

25 Q. -- it sounds like you said that after she started

1 backing up.

2 A. No. The -- precisely how I remember it, I asked for  
3 the driver's license; she told me that I didn't have the  
4 authority, and that she wasn't going to give it to me, and  
5 that she was parked, and that she wasn't driving.

6 And then as soon as I asked for that, she then put  
7 the vehicle immediately in reverse and started backing up.

8 And then I waved at her, and I told her you're  
9 driving.

10 Q. I see. In other words, she said she wasn't driving,  
11 and then you just pointed out the obvious, that she was  
12 driving?

13 A. That she was moving, yes.

14 Q. Okay. And it sounds like at that point you were  
15 just going to let her go.

16 A. Yes.

17 Q. Had she verbally threatened to harm you in  
18 any way --

19 A. No.

20 Q. -- up to that point --

21 A. No. Other -- other than the strange conversation  
22 about being a murderer, accusing me of being a murderer, and  
23 that all -- I'm assuming she meant all law enforcement are  
24 murderers, other than that strange conversation, no, no  
25 threats were made.

1 Q. And this was -- you've already said, this woman, do  
2 you have an estimate as to her age?

3 A. I don't know -- I don't know if I can gauge it  
4 correctly in -- if I was to just throw out an estimate, it --  
5 somewhere in her early 50's, late 40's.

6 It's -- it's hard to tell because she's in a, you  
7 know, a dark vehicle with the window up. So I -- I couldn't  
8 get a real gauge on it.

9 Q. When you shined your flashlight in, did you see any  
10 weapons in the car?

11 A. I did not.

12 Q. And how far would you say the car backed up,  
13 initially?

14 A. So I witnessed it; I watched it back up.

15 I would say four, maybe five feet, and then I  
16 stopped watching.

17 Q. So you looked; you watched it back up four or five  
18 feet, and then you looked away?

19 A. Yes.

20 Q. And when it initially backed up that four or five  
21 feet, could tell if it went more or less straight back or at  
22 some angle?

23 A. I couldn't really -- I -- I don't recall.

24 I'm -- it -- I could tell you that when it was  
25 backing up, and I watched it back up, it appeared to be going

1 Q. Did you form the impression that this woman might be  
2 having a mental health crisis when she started telling you  
3 about murderers and Jesus and all that?

4 A. I -- I -- I couldn't agree that the statements that  
5 she made were odd and troubling, but mental health crisis,  
6 it's hard -- it's hard to say. There -- there -- there is a  
7 lot of factors in a mental health crisis.

8 She could just be, you know, religious. I don't --  
9 I don't really know. I was unable to tell at all what her  
10 motivations or her, you know, I didn't really have much  
11 information at all from her.

12 Q. And it appears from reading your statement that you  
13 really didn't have an opportunity to assess her like you  
14 normally would to see if they was under the influence of  
15 drugs or alcohol; is that a fair statement?

16 A. That's a fair statement.

17 Q. Now, at some point did you see the car coming back  
18 towards you?

19 A. I specifically recall seeing the headlights.

20 The -- the shopping center is -- is kind of a darker  
21 shopping center. There is not a whole lot of streetlights.  
22 And so as my kind of peripheral vision picked up a light  
23 coming in, I turned and noticed the vehicle.

24 Q. And when you turned would you have turned back to  
25 your left?

1 Q. So did the car make contact with you when it moved  
2 forward?

3 A. No. The initial time that it moved forward, it did  
4 not.

5 Q. And when it moved forward, at some point did it come  
6 to a stop again?

7 A. Yes.

8 Q. And was there an angle at that point?

9 A. Yes. When -- when it came back in initially and I  
10 turned and spotted the headlights, I could see the front end  
11 of the car, and it was -- and like I said, I'm just guessing  
12 because I was more so focused on the vehicle than its actual  
13 positioning on -- on the parking spaces, but as I remember  
14 it, it was approximately probably less than 45, but maybe at  
15 a 45-degree angle with the front of the vehicle facing me,  
16 and I had jumped out of the way which would have been towards  
17 the driver's side.

18 Or if I was -- it's hard to explain.

19 If I was standing where the license, front license  
20 plate was, I would have gone north towards the driver side of  
21 the vehicle to get out of the way.

22 Q. And did you move out of the way?

23 A. I did.

24 Q. And that was kind of a natural reaction?

25 A. Yes.

1 Q. And then did the vehicle momentarily stop?

2 A. Yes.

3 Q. And when it was stopped in that position, did you  
4 approach the vehicle again?

5 A. I didn't approach the vehicle at that point.

6 I noticed the driver had two middle fingers up in  
7 the air and was screaming. I couldn't hear what she was  
8 scheming. Obviously, the music was turned up, but she, you  
9 know, visibly was screaming, and I believe what she screamed  
10 was, "Fuck you," and to middle fingers.

11 And then that's -- that's right at when the vehicle  
12 stopped. I just stepped out of the way; vehicle stopped; she  
13 gave me two middle fingers and said, "Fuck you," like  
14 screamed it.

15 I obviously couldn't hear it, but you know how when  
16 you see somebody yelling, you can read their lips and you  
17 know what they're saying.

18 Q. Do you know if the window was up or down at that  
19 point?

20 A. I don't recall if it was still cracked, but I know  
21 it was up.

22 Q. So are you saying --

23 A. So it might have been still down two inches or it  
24 might have been all the way up, but it was definitely up more  
25 than three quarters of the way up.

1 Q. So you're saying that you saw her give you in  
2 essence the middle finger with both hands at that point?

3 A. Yeah, two middle fingers.

4 Q. So her hands would have been off the steering wheel  
5 at that point?

6 A. Yes.

7 Q. And the vehicle was at a stop?

8 A. At a stop.

9 Q. And you didn't actually hear the words "Fuck you,"  
10 but that was your impression?

11 A. That's what I read off of her lips.

12 Q. Okay. So and the car was still in this stopped  
13 position at this angle you described?

14 A. Yes.

15 Q. And then what did you do next?

16 A. I started to approach the vehicle.

17 Q. For what purpose?

18 A. I had -- I'd come to -- at that point that's was  
19 not -- it's not a kind of normal behavior. I was -- I was  
20 afraid obviously because I had just noticed the car graze my  
21 legs, and I said this is -- this is not good behavior, and I  
22 needed to stop this person from driving.

23 And so I made the -- I formed the -- I knew I had to  
24 stop the car. I knew I had to stop her from driving.

25 And so I like quickly just thought I need to break

1 the window, and I need to go in, and I need to stop the car;

2 I need to stop her from being able to drive.

3 Q. And how did you want to break the window?

4 A. I -- without even giving it two thoughts, I grabbed

5 the baton which I carry right here on my vest, and I began

6 striking the window with -- with the bottom of the baton.

7 Q. What type of baton was it?

8 A. This is a -- it's a 26 inch -- I forget the brand

9 name. It's a collapsible aluminum baton.

10 Q. Okay. And how many times did you strike the window  
11 with the baton?

12 A. I believe three times, two or three times.

13 Q. And when the car moved forward as you described and  
14 then came to a stop, do you know what distance it moved  
15 forward, approximately?

16 A. From -- do you mean from when I got out of the way?  
17 Because it stopped after I got out of the way.

18 Q. Right. I guess what I'm getting at, and maybe  
19 you're not sure, you saw it back up the first four or five  
20 feet, and then you looked away; is that correct?

21 A. Yes, that's correct.

22 Q. I'm just wondering, when you looked back, how far  
23 did it move forward before stopping?

24 A. From when I noticed it -- from -- from when I picked  
25 it up in my peripheral view, peripheral view, the light



1 out of the vehicle, but putting the vehicle in park, turning  
2 it off, preventing it from driving.

3 Q. Did you -- how much time do you think passed between  
4 the vehicle coming to a stop and you approaching the window  
5 and striking it with your baton?

6 A. It felt like -- it felt like milliseconds.

7 I mean -- I -- I could not even give you an accurate  
8 representation of time. It just felt like it just happened,  
9 like there was no --

10 Q. Okay --

11 A. -- maybe -- maybe a second, maybe two.

12 Q. Had you ever done that before in your career, try to  
13 strike the window of a vehicle that was occupied with the  
14 engine on?

15 A. I've never been able to break a window to -- but  
16 I had successfully climbed through a driver's side window and  
17 turned the vehicle off, but the window was down.

18 That's the difference.

19 Q. I'm just wondering whether you have had ever --

20 A. Broken a window out?

21 Q. -- yeah. Broken a window out while the driver was  
22 in the car and the engine was on?

23 A. No.

24 Q. But that's what you were trying to do in this  
25 instance?

1 A. That was my plan.

2 Q. Did you say anything to the woman before you started  
3 striking the window such as "Stop" or "Turn your engine off,"  
4 or anything like that?

5 A. No.

6 Q. Did you give her any warning that you were going to  
7 strike or start striking her window with your baton?

8 A. No.

9 Q. Were you aware based on past experience that if you  
10 did shatter the window, some of the glass could go in the car  
11 on her?

12 A. I've done quite a bit of testing on safety glass on  
13 vehicles, and they're generally pretty safe when -- when you  
14 break them. They break up into little pellets, but I  
15 wasn't -- I think I was thinking more of like me having to  
16 climb through that window in which I was willing to do and  
17 not really fearing glass cuts or anything like that.

18 Q. Did you ever try to open the car door.

19 A. No. It was -- it was pretty clear to me when she  
20 pulled out because when I was speaking with her, the doors  
21 were locked, that the doors were still locked.

22 Q. And when you were hitting the driver side window  
23 with your baton, I think you've already told me this, but  
24 what part of the baton were you using to strike it?

25 A. The bottom.

1 Q. Do you recall stating in your original statement  
2 that you were going to bash out her driver side window and  
3 pull her out of the vehicle?

4 A. If it's -- if it's in my statement, I -- I mean I  
5 definitely could have said that.

6 Q. I'm just wondering, is that something that you were  
7 thinking about at the time?

8 A. Yeah. Stopping the vehicle was definitely by any  
9 means I needed to stop that vehicle.

10 Q. And were also thinking about pulling her out of the  
11 vehicle?

12 A. I believed that would be -- I mean, it's definitely  
13 part of my thought process, yeah, absolutely.

14 Q. And I take it you would have extended the baton  
15 before striking the window?

16 A. Yes. Because it wasn't working on the -- the butt  
17 of the baton was not making any impact on the window.

18 It was just bouncing off.

19 Q. Just take me through the sequence.

20 Did you strike it initially several times with the  
21 butt?

22 A. Yes.

23 Q. And how many times did you strike it with the butt  
24 of the baton?

25 A. Two to three. That's what we were speaking about.

1 Q. Okay. And then when you extended the baton, did you  
2 strike it any additional times?

3 A. I never got to fully extend the baton.

4 Q. Do you know if the window cracked at all or had any  
5 effect from you striking it?

6 A. I don't believe it did.

7 Q. Have you ever seen photographs of the window after  
8 the incident?

9 A. I've never seen photographs of the window.

10 Q. Where was your left foot in relation to the driver's  
11 side front tire of the vehicle when you were attempting to  
12 smash the vehicle with your baton?

13 A. My left front foot would have been extended forward  
14 of my body like a baseball swing stance.

15 Q. Do you know if your left foot was in the area of the  
16 tire?

17 A. When I was standing next to the vehicle, I would  
18 have placed myself directly in front of the door in which the  
19 window I was striking. So I don't believe it was in front of  
20 the tire when I was striking the window.

21 Q. Did the car go further in forward at that point?

22 A. I don't know if it was moving forward or backwards.  
23 I was mainly focused on the window and stopping the  
24 car.

25 Q. Do you know -- what I'm getting at, if you know,

1 during the time you were striking the window, do you know if  
2 the car was moving forward or backwards at that point?

3 A. No. I was standing on the driver side of the  
4 vehicle, focused on breaking the window. So I'm standing  
5 along side -- I couldn't tell if it was moving when I was  
6 doing it.

7 Q. And then after your two or three attempts, is that  
8 when the car went in reverse?

9 A. Like I said, I was focused on the window.  
10 So if the car would have moved backwards at that  
11 point, I would have moved backwards with it or forward with  
12 it, or I couldn't -- I wasn't watching the movement of the  
13 vehicle. You'd have to stand off to see a vehicle moving,  
14 but I was right on the door. So I was looking at the door  
15 and the window.

16 Q. I guess what I'm getting at, after your two or three  
17 attempts to break the window --

18 A. Uh-huh --

19 Q. -- did you have a sense that the vehicle moved?

20 A. I did not have a sense that the vehicle moved.

21 Q. Okay. At some point did you find yourself in a  
22 different position?

23 A. Than my --

24 Q. Than standing up on the side of the vehicle.

25 A. Yeah. I found myself on the ground.

1 Q. Okay. And do you know, in other words, did you have  
2 a sense at the time how that happened, whether the car had  
3 moved and that caused it to happen, and you were not sure?

4 A. I was not sure what happened, what brought me off my  
5 feet, but I quickly figured out as the tire rolled over my  
6 leg, what had happened.

7 Q. And what did you think had happened at that point?

8 A. I thought I was getting run over at that point.

9 Q. You thought the wheel went over a portion of your  
10 body?

11 A. I could see the wheel on my leg.

12 Q. Okay. What portion of your leg was the wheel on at  
13 that point?

14 A. At that point it -- I watched the wheel come -- I  
15 remember pretty vividly the moment that I realized exactly  
16 what position I was in, and I looked down at my left leg, and  
17 I could see the tire cupping over my knee.

18 Q. Do you remember trying to back out of the way when  
19 the car starting going in reverse?

20 A. Which time?

21 Q. I guess the first time it went in reverse, as I  
22 understand it, you just watched it go about four or five feet  
23 and then looked away?

24 A. Yes.

25 Q. The second time it went in reverse, if I'm

1 Q. Look at your response on Lines 869 to 871.

2 A. Yeah. Okay.

3 So reading that, no. It was pinned with it.

4 I -- I think they're talking about my right knee.

5 Q. Okay --

6 A. They're asking -- they're asking me if my right leg  
7 was free, and I said, "No, it was pinned with it."

8 So the two legs were -- the two legs were together,  
9 but the weight of the vehicle was not on my right leg.

10 Q. Okay. So you're now in this position, and then do  
11 you say anything to the woman at all at this point?

12 A. No.

13 Q. So it sounds like from the time she initially  
14 starting backing up to the time you're down in the position  
15 you described, you did not say anything to her; is that a  
16 fair statement?

17 A. From the time that she backed up initially, put it  
18 in reverse and I thought she was leaving to the time that I  
19 got ran over, no, no comments. I made no communication with  
20 her other than banging on her window.

21 Q. And after the front wheel was in contact with you,  
22 with your leg, did you say anything to her at that point?

23 A. No.

24 Q. And did you say anything to your partner at that  
25 point?

1           A.   Initially, when I found myself on the ground I  
2    didn't see my partner until what felt like moments later, but  
3    he came back around the vehicle towards me, and I looked up  
4    at him, and I told him to shoot her.

5           Q.   Okay. You were telling your partner to shoot the  
6    woman who was driving the car?

7           A.   Yes.

8           Q.   And I'm assuming you were meaning with his  
9    firearm?

10          A.   Yes.

11          Q.   And was your thinking at the time that for him to  
12   shoot her, he would have to shoot through the driver side  
13   window?

14          A.   I wasn't thinking anything about how he was going to  
15   do it. I just knew that I was thinking the whole time that I  
16   was going to get killed.

17          Q.   So in your mind you were directing your partner to  
18   shoot this woman; is that a fair statement?

19          A.   That's a fair statement.

20          Q.   And were you aware that if your partner followed  
21   your command or request, that this woman would be  
22   seriously injured or killed?

23          A.   I'm aware of that.

24          Q.   And did you expect your partner to follow your  
25   command or request to shoot her?



1 (Recess taken.)

2 MR. GALIPO: Back on the record.

3 BY MR. GALIPO:

4 Q. Did you have any broken bones as a result of this  
5 incident?

6 A. No.

7 Q. Any bleeding as a result of this incident?

8 A. Yes.

9 Q. And where were you bleeding?

10 A. Several different spots in my leg.

11 Q. Were those photographed, if you know?

12 A. They were.

13 Q. Did you have any surgeries related to this  
14 incident?

15 A. No.

16 Q. Any information that you had, you know, torn  
17 anything in your knee or torn meniscus or anything like  
18 that?

19 A. I think -- so I went -- I -- I couldn't tell you  
20 my -- my prognosis. I know that I went in for two separate  
21 MRIs and got two separate answers from two different  
22 doctors.

23 Q. Did either doctor recommend surgery?

24 A. No.

25 Q. When did you next work after this incident?

1 A. Straight back, yeah.

2 Q. Right. That's assuming it went straight back, but  
3 it didn't go straight back; correct?

4 A. Hindsight, yeah, it did not go straight back.

5 Q. Right. I mean do you think sometimes that if you  
6 had not gone up to smash the window, then the car -- you  
7 would have not ended up underneath the car as you did?

8 MR. ALLEN: Objection. Calls for speculation.

9 You have to answer the question, Matt.

10 THE WITNESS: Yeah. I'm -- I'm thinking about --  
11 I'm thinking about my response.

12 Can you ask it one more time?

13 BY MR. GALIPO:

14 Q. Sure. Did you ever think after the fact that if you  
15 had not gone up to smash her window or tried to smash her  
16 window, you would not have been in that position?

17 And if the car went backwards the way it did, you  
18 wouldn't have got pinned under the car?

19 A. Yeah. I think -- I think it's fair to say that in  
20 what I was thinking, I would have never -- I would have  
21 actually never thought that a vehicle would move in the  
22 direction that it did. Instead of moving straight on or  
23 straight back, it instead kind of curled around, and I would  
24 have never anticipated that.

25 Q. When the vehicle moved forward, it was at an angle,

1 wasn't it?

2 A. It was at a 45-degree angle. So if -- if the  
3 vehicle was at a 45-degree angle and it goes straight in and  
4 straight out, I placed myself in the best position I could  
5 think of to avoid getting struck by the car because it -- the  
6 car turns on an axis here. So if it was to back up, then I  
7 would be able to get out of the way because I was alongside  
8 the vehicle instead of being in front of it or behind it.

9 Q. I understand that. But your impression was this  
10 woman was somewhat agitated; is that fair?

11 A. Yeah. The two middle fingers and the -- and the  
12 "fuck you" definitely led me to believe that she was  
13 agitated.

14 Q. Did you, by the way, ever give her any gestures with  
15 your hands like to stop or anything like that?

16 A. No.

17 Q. Did you ever consider that smashing or attempting to  
18 smash someone's window who is already agitated may cause the  
19 car to move forward or backwards to get out of the way of  
20 having their window smashed?

21 A. I anticipated the vehicle moving forward or  
22 backwards. That's why I stood where I should on the side of  
23 the vehicle because I figured I was in the best place  
24 tactically.

25 Q. So you're saying when you approached the vehicle on

1 the driver side to smash out the window, you anticipated it  
2 could move forward or backwards with you in that position?

3 A. I anticipated that the vehicle would move forward or  
4 backwards, and I would be alongside of it avoiding the  
5 largest portion of the vehicle.

6 Q. Were you thinking that if the vehicle moved forward  
7 or backwards while you were trying to smash out the window,  
8 you would continue to try to smash out the window as the  
9 vehicle was moving?

10 A. If I'm understanding your questioning correctly, did  
11 I continue -- would -- it's -- it's hard for me to say  
12 what -- what I would have done differently while keeping in  
13 mind that my plan was simply just to break the window out and  
14 to stop her.

15 And if you're asking me if I would have continued to  
16 do that, had she been driving forward, yes. The answer's  
17 yes. I would have advanced forward with the vehicle going  
18 along it.

19 Q. And how about if it went backwards straight, the  
20 same?

21 A. I felt like I was in the position that absolutely if  
22 it went backwards, I would just go down along side it and  
23 matched its angle.

24 Q. Did you know where your partner was when you were  
25 smashing out the window or trying to?

1 A. No. I did not know where my partner was.

2 Q. When did you become aware your partner was to your  
3 right?

4 A. When I saw him come around the backside of the  
5 vehicle.

6 Q. Were you aware at the time that your partner was  
7 trying to put a knife through the rear tire of the vehicle?

8 A. I was not aware of what my partner was doing.

9 Q. Did you learn that at some point after the fact?

10 A. I don't know if I heard the story of it when -- when  
11 I was doing my investigation, or if it was when I reviewed  
12 the video for the first time that I noticed it, but I  
13 don't -- in the moment I didn't recall anything that he was  
14 doing. I was focused on purely what I was doing.

15 Q. Did you make any tactical plan or have any  
16 discussion with your partner after the vehicle moved forward  
17 towards you, but before you bashed the window?

18 A. No.

19 Q. Did you tell your partner you were going to bash the  
20 window?

21 A. No.

22 Q. Have you heard the term before "situational  
23 awareness?"

24 A. I have heard it before.

25 Q. Is it kind of referring to being aware of what it

1           A.     If I knew he was directly behind the vehicle, would  
2     I have continued to smash out the window, yes. I would  
3     have -- I would have tried to stop her because no matter --  
4     no matter what we come to in this, when -- when -- when I was  
5     focused on the situation at hand, I wanted to stop her.

6                 There was no telling what the next move in her card  
7     would be, and if my partner was standing behind her, I would  
8     be even more worried that she would put it in reverse and run  
9     over my partner.

10                So if he was standing behind her, I would be  
11     concerned that she would try to run my partner over.

12                So I -- I -- I would want to get through the window  
13     even more.

14           Q.     In your career how many times can you recall, and  
15     this is a situation where a vehicle is on, in gear, driver is  
16     in the vehicle, of a officer attempting to smash the window  
17     of a vehicle to get in, how many times have you seen that in  
18     your career?

19           A.     How many times have I seen that exact situation?

20           Q.     Right. The vehicle's on, it's in gear, there is a  
21     driver in the vehicle, and an officer tried to smash out the  
22     window like a side window to get in the car.

23           A.     I have been through tactical training in which in  
24     the training we've done that dozens of times.

25           Q.     How about in real life, had you ever seen that

1 before?

2 A. As far as breaking out a window and stopping  
3 somebody from driving, in my experience not that I can recall  
4 with a window up.

5 However, it had worked several times where the  
6 window was down.

7 Q. Yeah. But if the window was down, you would not  
8 have to smash it, would you?

9 A. If the window was down, I wouldn't have to smash  
10 it.

11 Q. Right. Have you heard the term "de-escalation?"

12 A. I have.

13 Q. And is that generally mean trying to calm a  
14 situation down if you can?

15 A. I guess in -- it's a roundabout definition of what  
16 de-escalation means.

17 Q. It sounds like when she backed up, initially you  
18 were okay with her leaving; is that a fair statement?

19 A. It's a fair statement.

20 Q. At that point she was not under arrest; is that  
21 correct?

22 A. That's correct.

23 Q. And you were not trying to detain her at that  
24 point?

25 A. That's correct.

1 Q. Okay. After she pulled forward towards you as you  
2 described, the vehicle came to a stop; is that correct?

3 A. Yes, that's correct.

4 Q. And at that point in your mind, you did not want her  
5 to drive any further?

6 A. Yes.

7 Q. And you're an experienced officer; right?

8 You've been an officer I guess at that time how many  
9 years?

10 A. Ten or eleven, something like that, ten, eleven,  
11 twelve.

12 Q. Okay --

13 A. Over ten years.

14 Q. Right. And is there a reason why prior to  
15 approaching to smash her window, you didn't try to give her a  
16 command or some gesture or something to let her know you  
17 wanted her to stop?

18 A. I was purely focused on the task at hand.

19 Q. Right. But in terms of -- aren't officers trained  
20 to give commands when they can?

21 A. When they can.

22 Q. And to give a person an opportunity to follow the  
23 commands if it's safe to do so?

24 A. Yeah. In -- in -- in an academy atmosphere or in  
25 a -- in a general arrest atmosphere where you have a



1 A. Yes.

2 Q. Okay --

3 A. But you make it sound like it was like seconds that  
4 it was stopped when it was literally I jumped out of the way  
5 and then I immediately approached the vehicle.

6 It wasn't -- there wasn't like a ten-second like  
7 we're having a stare-off, you know what I mean?

8 Q. I understand that. But it's not like at the time  
9 that just before your first strike to the window, the car was  
10 moving forward or backwards.

11 You would admit it was at least stopped before your  
12 first strike?

13 A. Absolutely. I'll -- I'll agree with on that.

14 It was stopped when I started striking the window.

15 Q. And you were the one obviously that decided to  
16 strike the window; no one told you to do that.

17 A. That's correct.

18 Q. And you also decided not to give any commands or any  
19 gestures.

20 A. I did.

21 Q. Okay. And did you ever consider that by striking  
22 the window, this woman already is a little agitated or off;  
23 who knows what she might do if I start striking the window;  
24 she might panic and the car might go backwards or forward to  
25 try to avoid me from breaking her window?

1 Q. And it sounds like -- do you know how many shots  
2 were fired?

3 A. I only heard two. I know I heard the first one, and  
4 I felt the vehicle -- I heard two back to back, and then I  
5 felt the vehicle come off my leg, and that's the extent of  
6 it, and it was extremely muffled. I -- yeah.

7 Q. So I guess at least we know now that the vehicle  
8 went further back at an angle which caused you to get in the  
9 position you were relative to the left front tire; is that  
10 fair?

11 A. Yes. I believe that's fair.

12 Q. And it sounds like your impression was if the  
13 vehicle went further back with you in that position, it would  
14 not have been good for you?

15 A. I remember thinking while under the vehicle with my  
16 leg pinned, that it was going to be bad either way, that  
17 if -- if she went forward, that she would see me on the  
18 ground, and that she would be able to hit me with the back  
19 wheels of the vehicle, and that if she went -- and that's if  
20 she backed up, she would see me on the ground and she would  
21 be able to come forward at me again.

22 Q. Well, would it be fair to say that you were hoping  
23 the vehicle would move a little forward off of your leg?

24 A. My only hope was that it would get off the -- off of  
25 my leg so I could escape.

1 DECLARATION UNDER PENALTY OF PERJURY

2

3 Case Name: Veronica Mcleod, et al. vs. City of Redding, et  
4 al.

5 Date of Deposition: April 27, 2023

6 Job No.: 450075

7

8 I, \_\_\_\_\_, hereby certify

9 under penalty of perjury under the laws of the State of  
10 California that the foregoing is true and correct.

11 Executed this \_\_\_\_\_ day of \_\_\_\_\_,

12 20\_\_\_\_, at \_\_\_\_\_, California.

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MATTHEW BRUCE

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified  
Stenographic Shorthand Reporter of the State of California,  
do hereby certify:

That the foregoing proceedings were taken before me  
at the time and place herein set forth;

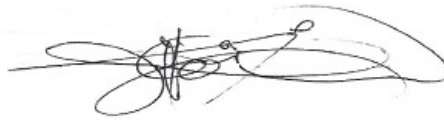
That any witnesses in the foregoing proceedings,  
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made  
by me, using machine shorthand, which was thereafter  
transcribed under my direction;

Further, that the foregoing is an accurate  
transcription thereof.

I further certify that I am neither financially  
interested in the action, nor a relative or employee of any  
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this  
date: April 27, 2023.



Jinna Grace Kim, CSR No. 14151